



**CITY COUNCIL  
ATLANTA, GEORGIA**

**A RESOLUTION**

**03-*R*-0828**

**BY TRANSPORTATION COMMITTEE**

**A RESOLUTION AUTHORIZING THE MAYOR OR HER DESIGNEE TO EXECUTE A TEMPORARY RIGHT OF ENTRY AND USE AGREEMENT WITH API-SAA COMPANY (TENANT) AND BANK OF AMERICA, N. A. (SUBTENANT), TO SUPPORT THE CONSTRUCTION AND USE OF THE MAINTENANCE OF TRAFFIC LANES IN SUPPORT OF THE I-285 BRIDGE STRUCTURES PROJECT, ON BEHALF OF THE CITY OF ATLANTA; AND FOR OTHER PURPOSES.**

**WHEREAS**, the City owns certain property consisting of approximately 9.47 acres situated in Clayton County, Georgia at 1075 South Loop Road, College Park, Georgia 30337 (the "Property"); and

**WHEREAS**, Tenant is the successor in interest to Southern Airways, Inc. under that certain Agreement and Lease of Premises for Southern Airways, Inc. General Office Complex at William B. Hartsfield Atlanta International Airport (the "Lease Agreement") by and between the City of Atlanta, as Lessor, and Southern Airways, Inc. as Lessee, dated August 25, 1976 whereby Tenant leased the Property for an initial term of 30 years ending October 9, 2007 for an annual rent of \$25,000.80; and

**WHEREAS**, Subtenant is the successor by merger and name change to Bank South, N.A. under that certain Sublease by and between Tenant, as sublandlord, and Subtenant, as subtenant, dated August 31, 1976; and

**WHEREAS**, the City is in the process of building a fifth runway (the "Fifth Runway") at the Hartsfield Atlanta International Airport (the "Airport"). The Fifth Runway and related taxiway will cross I-285. The City has contracted with Archer Western Contractors, Ltd, under FC-7319-01 to design and build the bridge structures for the Fifth Runway and related taxiway over I-285. As part of the Bridge Structures Project, Archer Western Contractors is required to construct temporary lanes for vehicular traffic along the westbound lanes of I-285 behind the Property. The temporary lanes will encroach on the Property and Archer Western Contractors will divert traffic onto those temporary lanes during construction of portions of the Bridge Structures Project; and

**WHEREAS**, the Fifth Runway involves the placement of embankment material to support the runway, and the City has contracted with 5R Constructors, LLC for the conveyance and placement of the embankment material under FC-7242-00. 5R Constructors is using an elevated conveyor system to move the embankment materials to the site. The conveyor system is being relocated during the summer of 2003, to enable construction of the I-285 Bridge Structures Project and the route for the relocated conveyor crosses the back portion of the Property; and

**WHEREAS**, the back portion of the Property is needed for the temporary traffic lanes and the conveyor for approximately three (3) years during the construction of the Fifth Runway and the Bridge Structures Project; and

**WHEREAS**, Tenant, Subtenant and the City have reached an agreement that permits the City to have temporary right of entry and exclusive use of portions of the Property necessary for these construction purposes in return for an agreed reduction in the annual rent paid by Tenant on the Property.



**NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF ATLANTA, GEORGIA,** that the Mayor or her designee be and is hereby authorized to execute on behalf of the City an Agreement providing a Temporary Right of Entry and Use of portions of the Property owned by the City and leased to API-SAA and be compensated for such by a reduction in the annual rent or an equivalent lump sum payment.

**BE IT FURTHER RESOLVED,** that the City Attorney be and is hereby directed to prepare an appropriate contractual agreement for execution by the Mayor.

**BE IT FINALLY RESOLVED,** that this agreement shall not become binding on the City and the City shall incur no liability upon same until such contract has been executed by the Mayor and delivered to the API-SSA Company.

A true copy,

*Shanda Daughin Johnson*  
Municipal Clerk, CMC

ADOPTED by the Council  
APPROVED by the Mayor

June 2, 2003  
June 8, 2003

RCS# 4761  
6/02/03  
2:42 PM

Atlanta City Council

Regular Session

CONSENT I                      Pgs.1-11 Except:03-O-0767; 03-O-0706

ADOPT

YEAS: 13  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 2  
EXCUSED: 1  
ABSENT 0

Y Smith	Y Archibong	Y Moore	Y Mitchell
Y Starnes	E Fauver	Y Martin	NV Norwood
Y Young	Y Shook	Y Maddox	Y Willis
Y Winslow	Y Muller	Y Boazman	NV Woolard

CONSENT I

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**06/02/03 Council Meeting****ITEMS ADOPTED ON CONSENT  
AGENDA**

1. 03-O-0705
2. 03-O-0837
3. 03-O-0717
4. 03-O-0104
5. 03-O-0663
6. 03-O-0711
7. 03-O-0835
8. 03-O-0836
9. 03-O-0840
10. 03-O-0721
11. 03-O-0786
12. 03-O-0587
13. 03-O-0781
14. 02-R-1351
15. 03-R-0822
16. 03-R-0823
17. 03-R-0825
18. 03-R-0828
19. 03-R-0829
20. 03-R-0832
21. 03-R-0833
22. 03-R-0820
23. 03-R-0821
24. 03-R-0845
25. 03-R-0846
26. 03-R-0789
27. 03-R-0790
28. 03-R-0791
29. 03-R-0792
30. 03-R-0793
31. 03-R-0794

**ITEMS ADVERSED  
ON CONSENT  
AGENDA**

32. 02-R-1076
33. 02-R-1077
34. 02-R-1078
35. 02-R-1079
36. 02-R-1080
37. 02-R-1081
38. 02-R-1082
39. 02-R-1083
40. 02-R-1084
41. 02-R-1085
42. 02-R-1086
43. 02-R-1087
44. 02-R-1088
45. 02-R-1089
46. 02-R-1090
47. 02-R-1091
48. 02-R-1092
49. 02-R-1093
50. 02-R-1094
51. 02-R-1095
52. 02-R-1096
53. 02-R-1097
54. 02-R-1098
55. 02-R-1099

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Consent I Vote: 13Yeas; 0Nays: (See RCS #4761)  
Items Removed from the Consent Agenda: 03-O-0767; 03-O-0706

03-*R*-0828  
(Do Not Write Above This Line)

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BY TRANSPORTATION COMMITTEE

A RESOLUTION AUTHORIZING THE MAYOR OR HER DESIGNEE TO EXECUTE A TEMPORARY RIGHT OF ENTRY AND USE AGREEMENT WITH API-SAA COMPANY (TENANT) AND BANK OF AMERICA, N. A. (SUBTENANT), TO SUPPORT THE CONSTRUCTION AND USE OF THE MAINTENANCE OF TRAFFIC LANES IN SUPPORT OF THE 1-285 BRIDGE STRUCTURES PROJECT, ON BEHALF OF THE CITY OF ATLANTA, AND FOR OTHER PURPOSES.

ADOPTED BY  
JUN 0 2 2003  
COUNCIL

- ☐ CONSENT REFER  
☐ REGULAR REPORT REFER  
☐ ADVERTISE & REFER  
☐ 1st ADOPT 2nd READ & REFER  
☐ PERSONAL PAPER REFER

Date Referred  
Referred To:  
Date Referred  
Referred To:  
Date Referred  
Referred To:  
Date Referred  
Referred To:

First Reading

Committee \_\_\_\_\_  
Date \_\_\_\_\_  
Chair \_\_\_\_\_  
Referred To \_\_\_\_\_

*Transportation*  
Committee

5/28/03 Date

*[Signature]* Chair  
Fav, Adv, Hold (see rev. side)  
Action  
Other

Members

*[Signature]*  
*[Signature]*

*[Signature]*  
*[Signature]*

Refer To

Committee

Date

Chair

Fav, Adv, Hold (see rev. side)  
Action  
Other

Members

Refer To

Committee

Date

Chair

Fav, Adv, Hold (see rev. side)  
Action  
Other

Members

Committee

Date

Chair

Fav, Adv, Hold (see rev. side)  
Action  
Other

Members

Refer To

Refer To

- FINAL COUNCIL ACTION  
☐ 2nd ☐ 1st & 2nd ☐ 3rd  
Readings  
☒ Consent ☐ V Vote ☒ RC Vote

CERTIFIED

CERTIFIED  
JUN 0 2 2003

ATLANTA CITY COUNCIL PRESIDENT  
*[Signature]*

CERTIFIED  
JUN 0 2 2003  
*[Signature]*  
MUNICIPAL CLERK

MAYOR'S ACTION

JUN 0 8 2003

*[Signature]*  
MAYOR